

**UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF WESTERN PENNSYLVANIA
CONCILIATION CONFERENCE MINUTES**

Conciliation Conference:

Debtor: BRIAN J. MILLER & ANITA M. OSBORNE
Case Number: 19-21844-TPA Chapter: 13
Date / Time / Room: THURSDAY, JUNE 11, 2020 11:00 AM 3251 US STEEL
Hearing Officer: CHAPTER 13 PGH TRUSTEE

Matter:

#18 - Continued Confirmation of Plan Dated 5/22/19 NFC
R / M #: 18 / 0

Appearances:

A. Steinl

Debtor:
Trustee: Winnecour / Pail *Katz* DeSimone
Creditor:

Proceedings:

CONFIRMATION ORDER TO BE ENTERED

Recommended Outcome:

1. Case Converted to Chapter 7
2. Case Converted to Chapter 11
3. Case Dismissed without Prejudice
4. Case Dismissed with Prejudice
5. Debtor is to inform Court within _____ days their preference to Convert or Dismiss
6. The plan payment/term is increased/extended to _____, effective _____.
7. Plan/Motion continued to _____ at _____.

8. An Amended Plan is to be served on all creditors and certificate of service filed by _____.
Objections are due on or before _____.
A hearing on the Amended Plan is set for _____ at _____.

9. Contested Hearing: _____ at _____.
10. Other: _____

For Judge Agresti cases:

Student Loan Debt: If the pro rata or timing of the proposed plan payment on student loan debt differs in any respect to that of the unsecured debt in the case, describe such differences and reasons for disparate treatment:

*Special classification for budgeting purpose.
Special plan language added to proposed confirmation order.*

**UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF WESTERN PENNSYLVANIA
PROPOSED CONFIRMATION ORDER**

Conciliation Conference:

Debtor: BRIAN J. MILLER & ANITA M. OSBORNE

Case Number: 19-21844-TPA

Chapter: 13

Date / Time / Room:

THURSDAY, JUNE 11, 2020 11:00 AM 3251 US STEEL

Chapter 13 Plan Dated:

5/22/19

Next Hearing Date and Time:

The Parties, including the Debtor(s) and the Attorney for the Debtor(s), if any, hereby agree as follows:

- (1) No Changes to standard confirmation order.
- (2) Changes to the standard Confirmation Order as indicated
- A. For the remainder of the Plan Term, the Plan payment is amended to be \$ 2415 as of 6/20 Debtor(s)' counsel shall file a motion to amend the income attachment order within five (5) days of the date of this Order.
- B. The length of the Plan is increased to a total of _____ months. This statement of duration of the Plan is an approximation. The Plan shall not be completed until the goals of the Plan have been achieved. The total length of the Plan shall not exceed sixty (60) months.
- C. Plan confirmation is on an interim basis only as a form of adequate protection. The Trustee is authorized to distribute to secured and priority creditors with percentage fees.
- D. Plan confirmation is subject to the resolution of all actions to determine the avoidability, priority or extent of liens, including determination of the allowed amount of secured claims under 11 U.S.C. 506, disputes over the amount and allowance of claims entitled to priority under 11 U.S.C. 507, and all objections to claims.
- E. The allowed claims of general unsecured creditors shall be paid from available funds on a pro rata basis, which may represent an increase or decrease in the amount projected in the Plan.
- F. _____ shall be paid monthly payments of \$ _____ beginning with the Trustee's _____ distribution and continuing for the duration of the plan term, to be applied by that creditor to its administrative claim, budget payments and/or security deposit. These payments shall be at the fifth distribution level.
- G. The claims of the following creditors shall govern as to amount, classification and rate of interest (or as otherwise noted), unless the debtor(s) successfully objects to the claim:
Dollar Bank (cc#12) Allegheny County (cc#16)
PWSA (cc#15)
- H. Additional Terms:
- Fee application needed if any fee (including retainer) exceeds \$4,000 including any fees paid to prior counsel.
- Motion to Amend/Modify Plan resolved and all Objections to Plan withdrawn upon entry of Confirmation Order.

Con 4 on next page

(1) The special classification of student loan(s) (ECMC (cl#9)) at \$50.00/mo.) is approved subject to the following terms:

- (a) the proposed monthly payment to the specially classified claims in the Plan (which claims are to be treated as long term continuing debt) are to be held on reserve until payments begin to Part 5.1 unsecured creditors (which will follow the completion of payment of all priority creditors (if any));
- (b) at the commencement of distributions to the specially classified and Part 5.1 unsecured creditors (collectively the "Unsecured Classes") the amount available for distribution (which includes the full amount reserved for the specially classified claims) shall be pro-rated (as shall be calculated by the Trustee) between the Unsecured Classes (which pro ration shall be calculated on the total projected amount to be paid to each class during the plan term); and
- (c) in the event of a dismissal of the case the Trustee's balance on hand shall not be refunded but shall, instead, be distributed to the Unsecured Classes consistent with the foregoing proration formula.

(2) provision in part 9.1 of plan is stricken.
Student loan claim (ECMC (cl#9)) to
be treated as specially classified LTCI,
paid per preceding paragraph.

(2)